

REMARKS / ARGUMENTS

In the August 10 Office Action, the Examiner stated the following:

- Claims 1-8, 11-17, and 21-26 are rejected under 35 U. S. C. § 103(a) as obvious in light of U. S. Patent No. 6,580,904 ("Cox").
- Claims 9-10 are rejected under 36 U. S. C. § 103(a) as being obvious in light of Cox in further view of U. S. Patent No. 4,953,204 ("Cuschleg").

Applicants respectfully traverse the rejections set forth in August 10 Office Action. In their previous Amendment, filed on February 10, 2006, Applicants argued that:

Cox discloses a system fundamentally different from the method and system of the Applicants' invention. While Cox discloses a system for providing "directional assistance" to a telephone user, Cox does not disclose a system in which navigational directions are generated automatically. Cox employs a voice-response unit (VRU), but Cox does not disclose a processor capable of generating navigational directions, such as but not limited to the processor described in Figures 4 and 7 of the instant application, and the accompanying text. Rather, the system disclosed in Cox appears to use human operators who rely on data servers 66. [See Cox at, e.g., col. 12, lines 40-44; col. 13, lines 14-31]. Further, Cuschleg is directed to a method for queuing automated telephone calls, and does not cure the deficiency in Cox.

In response, the Examiner stated in the August 10 Office Action that:

...Cox teaches that a routing algorithm on the data servers calculates a route from a first location to a destination (col. 8, lines 13-21), it would have been well known that the server contain at least a processor for executing an algorithm. Therefore, Cox encompasses teaching generating navigational information for the user using an automated processor (the processor of the servers 66).

Applicants respectfully disagree. The system disclosed in Cox employs a data server, but the generation of navigational directions is not automated because a human operator is always involved. Cox states that "operators also use data servers 66 to

generate routes of travel and to provide directional assistance.” Col. 7, lines 16-18. Cox further describes that “[w]hen preparing to execute a query on data server 66, an operator typically completes appropriate forms displayed on his or her terminal 60.” Col. 7, lines 34-36. There is no disclosure of any processor that can automatically obtain the information required for these “forms,” and submit the information to the data servers. Indeed, the system disclosed in Cox is nothing more than a bank of operators employing navigational software akin to “mapquest,” to obtain navigational directions, which the operators then convey to the user, rather than an automated processor recited in the pending claims and described in the specification. *e.g.*, page 11, lines 11-35.

Similarly, the Cox system’s use of a VRU also does not disclose the “automated processor” recited in the claims. The Cox system uses a VRU in conjunction with a human operator. Incoming calls are directed to an operator. Cox, col. 7, lines 1-8. The VRU plays certain information that would otherwise be conveyed by the operator, such as greetings and signoffs. Col. 9, lines 24-33; col. 10, lines 13-21. While the VRU plays some speech, the operator is connected as well. Col. 10, lines 15-19. When the VRU disconnects, the customer is left connected to an operator. Col. 10, lines 22-26. *See also* Col. 12, lines 38-51. But Cox does not disclose generating the navigational directions strictly through an automated processor, without the assistance of a human operator.

Because Cox does not disclose generation of navigational directions using an automated processor, and each of the pending claims recites generating navigational information using an automated processor, Applicants respectfully submit that all of the pending claims are in a condition for allowance. For further clarity, Applicants have submitted new claims 53-55, which recite the system wherein the step of

generating navigational information to the user and the step of providing navigational information to the user are fully automated, such that the automated processor can perform the steps without assistance from a human operator. Applicants have also amended claims 17, 21, 25, and 26 to expressly recite that the navigational information is generated by an automated processor.

With respect to claims 4-8 (which recite instructing the user to suspend the call), claims 15-16 (which recite conveying to the user the mileage until the next navigational action required by the user and conveying to the user the total mileage from the current position to the destination), and claims 22-24, the Examiner states that the claimed subject matter “would have been well known” and would have been an “obvious matter of design choice.” Applicants respectfully disagree and note that no reference has been cited disclosing the features recited in these claims. Applicants further note that it is not surprising that Cox does not disclose these features, because the interaction with the user in the Cox system relies primarily on human operators, or VRUs voicing information as directed by human operators; the system need not be programmed with the logic recited in these claims.

With respect to claims 9-10, the Examiner notes that Cuschleg discloses providing selected music to the user when a call is on hold, and the Examiner asserts that it would have been obvious to include providing music preselected by the user when the call is suspended. Applicants note that Cuschleg discloses simply allowing a caller on hold to select a type of music; it does not disclose playing music preselected by the user. Moreover, Applicants respectfully disagree that it would be obvious to provide to the user non-navigational programming, such as music preselected by the user, during the periods between navigational action. Again, Applicants note that no reference has been cited in which such programming is

provided during periods between navigational action, nor has any reference been cited in which music preselected by the user is played during periods of inactivity on a call.


Moreover, Applicants note that every rejection in the August 10 Office Action is based on obviousness. If necessary, Applicants are prepared to submit evidence of secondary indicia of non-obviousness pursuant to M.P.E.P. § 716.

CONCLUSION

The Commissioner is hereby authorized to charge the required fee, or credit any overpayment, to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (Order No. 060888-0025 US).

Respectfully submitted,

Date: December 15, 2006



Andrew J. Wu (Reg. No. 43,292)
Morgan, Lewis & Bockius LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306
(650) 843-4000